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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/578,727

09/28/2006

Albrecht Doerschner

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4458

7055 7590 02/24/2009
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EXAMINER

SIMMONS WILLIS, TRACEY A

ART UNIT

PAPER NUMBER

1619

NOTIFICATION DATE

DELIVERY MODE

02/24/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|--|--|--|
| Office Action Summary | Application No. 10/578,727 | Applicant(s) DOERSCHNER ET AL. | |
| | Examiner TRACEY SIMMONS WILLIS | Art Unit 1619 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-31 is/are pending in the application.
- 4a) Of the above claim(s) 24-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04032007</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1619

DETAILED ACTION

Status of the Claims

Applicant's election without traverse of Group I (claims 11-23) in the reply filed on January 2, 2009 is acknowledged.

Claims 11-31 are pending in the current application, of which claims 11-23 are being considered on their merits. Claims 24-31 are withdrawn from consideration at this time. Claims 1-10 are cancelled. This is the first Office Action on the merits of the claims.

Claim Objections

Claim 19 is objected to because of the following informalities: the word "of" (line 2 of claim) should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-17 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pre-grant Application Publication 2005/0031847 (Martens et al).

Martens teach of a non-woven fabric cleansing wipe comprising an aqueous and lipid phase [pg 1, par 1 and pg 2, par 17]]. The lipid phase can contain soybean oil [p 4, par 65], cetyl palmitate [pg 5, par 78], or mineral oil [pg 5, par 85], the oil content is at least 50% [pg 5, par 88]. The aqueous phase can comprise anionic surfactants (sodium laureth sulfate [pg 13, par

Art Unit: 1619

232]) as emulsifiers in amounts of 0.5-50% [pg 21, par 363]. Martens do not teach of a specific embodiment with both the lipid and aqueous phase contained therein.

One of ordinary skill in the art at the time of the invention would have been motivated to optimize the amounts of surfactant and lipid in the wipe of Martens for effective removal of oil and water compatible soils [pg 1, par 15].

Claims 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martens as applied to claims 11-17 and 20-22 above, and further in view of U.S. Patent 4,600,620 (1986, Lloyd et al).

It is noted that the fiber content of 0% cotton is used for the rejection.

The teachings of Martens are as relied upon above.

Martens do not teach of the amounts of fiber content in the wipe.

Lloyd teach of articles suitable for wiping hard surfaces carrying a cleaning composition [col 1, lines 4-8]. Fibers that can be used in the invention include those listed in Table 1, such as non-woven fabrics made of 70% viscose and 30% polyester [col 2].

One of ordinary skill in the art at the time of the invention would have been motivated to use the non-woven fabric of Lloyd in the invention of Martens with a reasonable level of success as Martens suggest the wipes can be made of cellulose fibers, synthetic fibers (polyesters) or mixtures of both [pg 2, par 30]. Optimization of the amounts of fibers would have been expected to those skilled in the art as to achieve the desired absorbency and porosity as needed [Lloyd, col 2, lines 19-21]. Therefore the invention as a whole would have been *prima facie* obvious at the time it was made.

Art Unit: 1619

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martens as applied to claims 11-17 and 20-22 above, and further in view of U.S. Patent 6,028,018 (2000, Amundson et al).

The teachings of Martens are as relied upon above.

Martens do not teach of the amounts of the degree of impregnation of in the wipe.

Amundson teach of wet wipes with improved softness comprising a liquid absorbed in the basesheet. The liquid can contain emollients, surfactants, etc. [col 2, lines 60 and 63-66]. The amount of liquid contained within the wet wipes is from 150-500% [col 3, line 6].

One of ordinary skill in the art would have been motivated to load the wipes of Martens with 150-500% of aqueous and liquid phase as taught by Amundsen with a reasonable level of success to improve the cleaning ability of the wipe. Routine optimization by the skilled artisan would have been expected to obtain a sufficient amount of cleanser so the wipe would not be too dry or too wet for use as suggested by Amundsen [col 3, lines 12-17]. Therefore the invention as a whole would have been *prima facie* obvious at the time it was made.

Conclusion

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRACEY SIMMONS WILLIS whose telephone number is (571)270-5861. The examiner can normally be reached on Mondays to Fridays from 8:30 am to 5:30 pm. The examiner can also be reached on alternate Fridays from 8:30 am to 12:00 pm.

Art Unit: 1619

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at (571)272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/T. S.W./

Examiner, Art Unit 1619

/Lora E Barnhart/

Primary Examiner, Art Unit 1651